UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

1:07-CV-05634-AKH-DFE

DR. ANTHONY CERAMI,

DECLARATION OF KEVIN E.

Plaintiff, WARNER IN SUPPORT OF

PROPOSED INTERVENOR

- against -**ABBOTT LABORATORIES'**

MOTION TO INTERVENE FOR THE LIMITED PURPOSE OF

NOVARTIS AG and NOVARTIS VACCINES

AND DIAGNOSTICS, INC.,

REQUESTING A PROTECTIVE

ORDER

Defendant.

Kevin E. Warner hereby declares as follows under penalty of perjury:

- 1. I am an attorney at law of the State of Illinois associated with Winston & Strawn LLP, counsel for Abbott Laboratories ("Abbott"). I have personal knowledge of the facts set forth herein.
- 2. This Declaration is submitted in support of Abbott's Motion to Intervene for the Limited Purpose of Requesting a Protective Order.
- 3. Attached hereto as Exhibit "A" is a true copy of Abbott's Proposed Protective Order in this matter.
- 4 Attached hereto as Exhibit "B" is a true copy of the Stipulated Protective Order issued in The Rockefeller University and Chiron Corporation v. Centocor, Inc. and Abbott Laboratories, No. 2:04-168 (TJW) (the "Texas litigation").

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5. Attached hereto as Exhibit "C" is what is based on my best information and belief a true copy of Novartis Vaccines And Diagnostics, Inc.'s Initial Disclosures in this action, as

provided by counsel for Plaintiff Cerami.

6. Attached hereto as Exhibit "D" is a true copy of a webpage of Warren

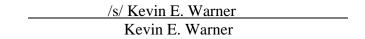
Pharmaceuticals, Inc., as it exists on this date, located at http://www.warrenpharma.com

/pages/intellect.html.

7. Attached hereto as Exhibit "E" is a true copy of a webpage of Warren

Pharmaceuticals, Inc., as it exists on this date, located at http://www.warrenpharma.com/

pages/intellect.html.



Dated: November 16, 2007

CERTIFICATE OF SERVICE

I, Kevin E. Warner, hereby certify that on this day, November 16, 2007, I caused a true and correct copy of the foregoing document to be served via e-mail upon the following:

Barry Brett, Esq. Troutman Sanders, LLP 405 Lexington Avenue New York, NY 10174 Barry.brett@troutmansanders.com

Counsel for Dr. Cerami

William Kuhne, Esq. Morrison Foerster 1290 Avenue of the Americas New York, NY 10104-0050 WKuhne@mofo.com

Counsel for Novartis AG and Novartis Vaccines & Diagnostics

/s/ Kevin E. Warner Kevin E. Warner